

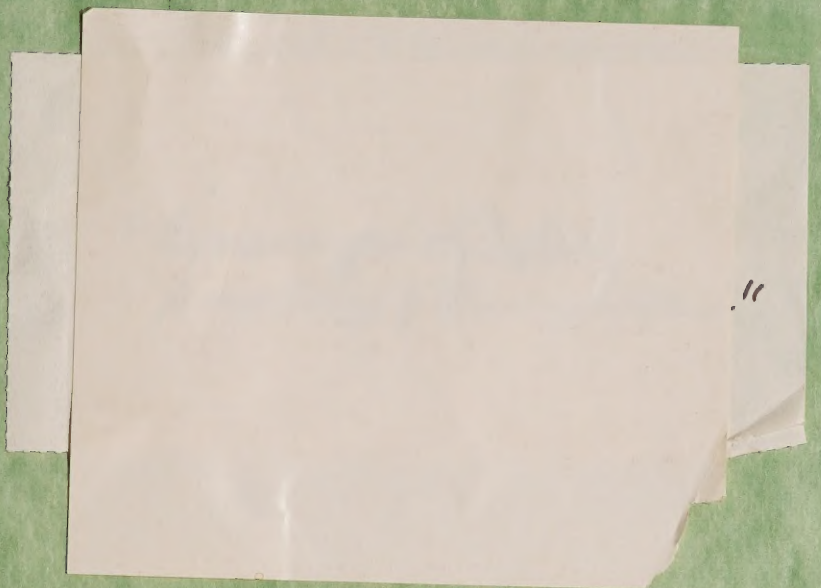


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KEYWORD INDEX OF DECISIONS

CONSOLIDATED AS OF NOVEMBER 30, 1987

Editorial Board

Linda Moskovits	(Manager, Information Centre)
Ann Somerville	(Publications Adviser)
Marvin Goldstein	(Publications Officer)



Information Centre
Workers' Compensation Appeals Tribunal
505 University Avenue, 7th Floor, Toronto, Ontario M5G 1X4
(416) 598-4638

Fax: (416) 979-8324

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WORKERS' COMPENSATION APPEALS TRIBUNAL KEYWORD INDEX OF DECISIONS

The keyword index is an alphabetical subject word index to significant decisions of the Workers' Compensation Appeals Tribunal, consolidated as of November 30, 1987. The Appeals Tribunal came into existence on October 1, 1985 under the chairmanship of S.R. Ellis. The Tribunal replaced the WCB Appeal Board but is a separate organization, independent of the WCB. It is the new final level of appeal to which workers and employers may bring disputes concerning Workers' Compensation Board (WCB) matters. It hears and determines appeals respecting entitlement to compensation, or assessments or penalties under the Workers' Compensation Act. It also determines the effect of the Act on workers' rights to take civil actions against their employers.

Tribunal decisions are available for reference at the Tribunal's library, major public libraries, and county and district law libraries across Ontario. Copies of decisions are available for \$2.00 per copy from the Research and Publications Department of the Tribunal, or a subscription to selected significant decisions may be purchased for a fee of \$80.00 per year.

Indexes to the Tribunal's decisions are updated monthly and may be obtained free of charge. The following other indexes to the Tribunal's decisions are available:

Annotated Statute: Published decisions are listed under the sections of the Workers' Compensation Act, its Regulations, or other statutes to which they refer.

Numerical Index: Published decisions are listed numerically by decision number.

These indexes are prepared for purposes of convenience only. For accurate reference, recourse should be had to the original full text version of the decisions.

Inquiries concerning the Tribunal's indexes, decisions and other publications should be addressed to: Information Centre, Workers' Compensation Appeals Tribunal, 505 University Avenue, 7th Floor, Toronto M5G 1X4. Tel.: (416) 598-4638. Fax No. (416) 979-8324.

TRIBUNAL SYSTEM OF DECISION NUMBERING

Where does the Decision number come from?

A decision number is assigned at the time a hearing or application occurs. These numbers are assigned automatically, in numerical order, and are used regardless of the date of the decision. Because of this, a higher number decision often is released before a lower number.

Why do some recent Decisions have "/87" after them?

Effective January 1, 1987, decision numbers will indicate the year in which the hearing took place. So, all hearings in 1987 will have "/87" after the number, all hearings in 1988, "/88", etc. Any decisions without a year indication are those heard in the first 15 months of the Tribunal's operation; that is, October 31, 1985 to December 31, 1986.

What do the letters after the numbers mean?

The vast majority of cases heard by the Tribunal involve a one-step process in which the party or parties attend a hearing, and a decision is issued when a final decision is made by the Hearing Panel. In some cases, however, a further decision on the same - or a related - issue may be required. The Tribunal will therefore add a letter suffix to the decision number to indicate that it may be part of a two (or more) step process. These suffixes designate the following:

A	Addendum
I	Interim
L	Leave to Appeal
LM	Leave <u>and</u> Merits
R	Reconsideration

As an example, a Tribunal Panel made a decision on a case in Decision No. 72. Following the decision, the Tribunal was requested to reconsider its decision and, as a result, a hearing took place resulting in Decision No. 72R. Decision No. 72R decided that a further hearing, by a different Panel of the Tribunal, should take place. That Panel's ruling resulted in Decision No. 72R2.

What about Leaves to Appeal?

The Tribunal has decided that, in most cases, an application for leave to appeal a decision of the former Appeal Board of the WCB (under section 860 of the Workers' Compensation Act) will be a two-step process. A hearing will be convened to decide if leave to appeal should be granted, and the decision on leave will have the suffix "L".

If leave is granted, a hearing on the merits of the case will then take place and the resulting decision number will be the same as the leave decision, but without the "L".

In the rare case that a leave application and the merits of the case are heard together, the decision number will indicate "LM" meaning Leave and Merits.

There may be some minor variations from the above system, mostly with respect to pre-1987 hearings.

JUDICIAL REVIEWS

The Divisional Court of Ontario has dismissed an application for judicial review of Tribunal Decision No. 241. In Halco Inc. v. Workers' Compensation Appeals Tribunal and Yves Bourcier (Court File No. 477/86), an unreported decision dated February 11, 1987, the Court found no basis for a suggestion that the circumstances raised a reasonable apprehension of bias.

The Divisional Court of Ontario has dismissed an application for judicial review of Tribunal Decision No. 391. In Hare et al. v. Workers' Compensation Appeals Tribunal and Toulman (Court file No. 1121/86), an unreported decision dated November 3, 1986, the Court found that the applicant failed to show that the decision of the Tribunal was so patently unreasonable that its construction could not be reasonably supported.

The Divisional Court of Ontario has dismissed an application for judicial review of Tribunal Decision No. 449. See Re Tankovic and Workers' Compensation Appeals Tribunal (Court file no. 523/87), dated November 30, 1987.

For further information, contact the Court or the Tribunal library.

KEYWORD INDEX OF DECISIONS

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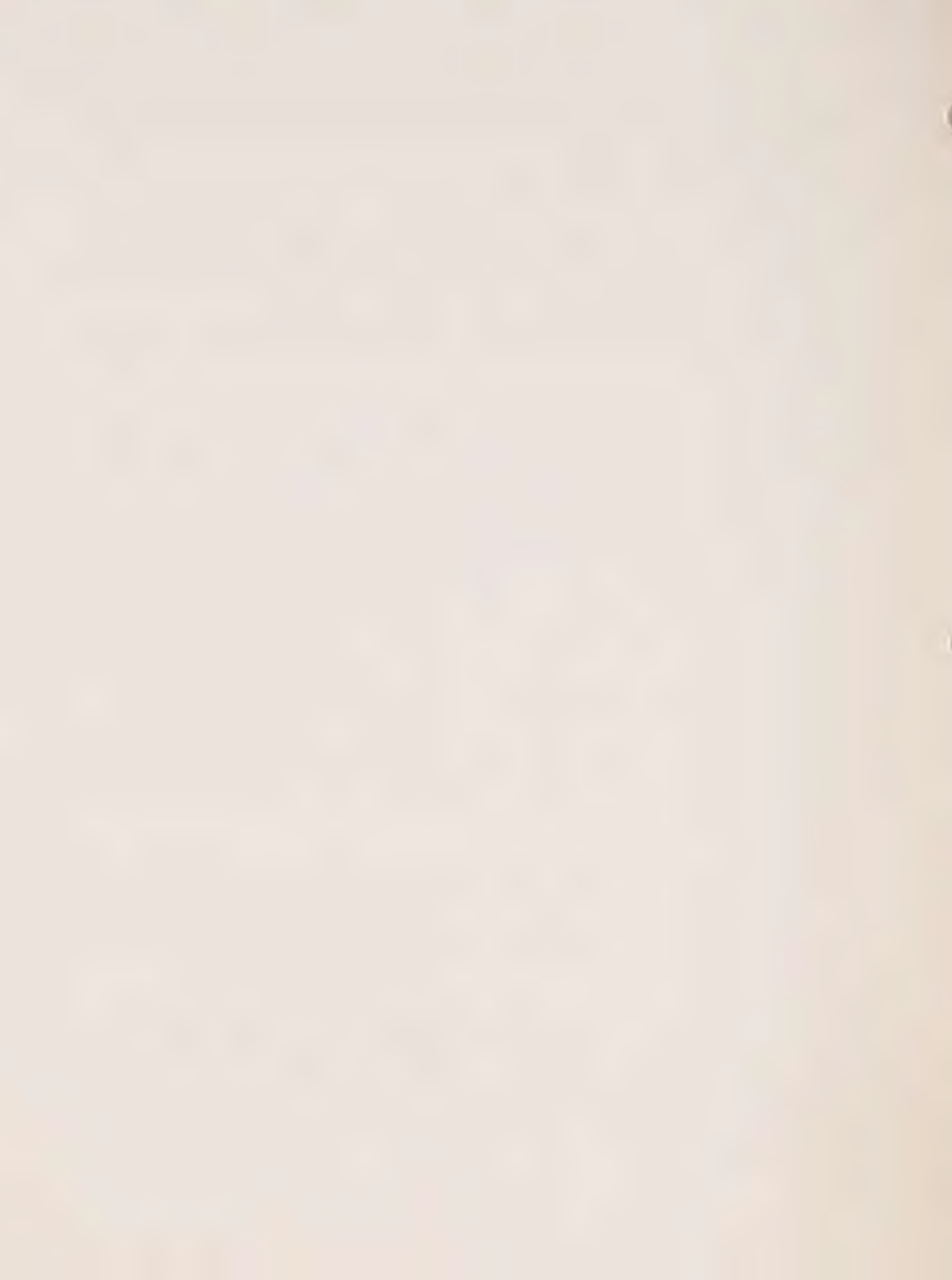
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